

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

In the Matter of the Public Advocates Office's
Investigation of Communications Pertaining to
the Wildfire Mitigation Plan of Pacific Gas and
Electric Company

Not in a Proceeding

NOT IN A PROCEEDING-SEC.309.5(E)

**PACIFIC GAS AND ELECTRIC COMPANY'S (U 39 E) MOTION TO
SUPPLEMENT THE RECORD IN THE DISCOVERY DISPUTE
BETWEEN PUBLIC ADVOCATES OFFICE AND PACIFIC GAS AND
ELECTRIC COMPANY, NOVEMBER 2021**

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Dated: February 3, 2022

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Pursuant to California Public Utilities Commission (Commission) Rule of Practice and Procedure 11.1.(a), Pacific Gas and Electric Company (PG&E) respectfully requests the opportunity to supplement the record in this proceeding to submit its proposal to resolve the discovery dispute with the Public Advocates Office (Cal Advocates) that was provided to Cal Advocates during the meet and confer process, as well as a brief narrative history of the meet and confer process that occurred after the Motion was filed. In her December 20, 2021 ruling assigning Administrative Law Judge (ALJ) DeAngelis to address this matter, Chief ALJ Simon indicated that "[n]o other document may be submitted for filing without prior approval of the designated ALJ." Consistent with the direction of Chief ALJ Simon and ALJ DeAngelis, this motion requests permission to supplement the record in this proceeding.¹

I. BACKGROUND

On September 30, 2021, Cal Advocates propounded data requests related to meetings with and presentations to the Office of Energy Infrastructure Safety (Energy Safety) regarding

¹ PG&E's caption for this motion reflects the direction from Chief ALJ Simon as to the caption that should be used for all documents in this matter.

“wildfire safety and wildfire mitigation efforts.”² PG&E objected to these data requests and the parties subsequently engaged in meet and confer efforts to try to resolve these objections. The meet and confer efforts were only partially successfully (resolving separate requests regarding meetings with and presentations to Commissioners and their advisors). Cal Advocates filed its Motion on November 30, 2021. PG&E filed its response on December 10, 2021, and Cal Advocates filed a reply on December 20, 2021.

In early January 2022, counsel for Energy Safety reached out to Cal Advocates and PG&E separately to see if the parties could resolve this matter. In an e-mail to both parties, Energy Safety’s counsel indicated that PG&E and Cal Advocates appeared to be “amenable to discussions regarding a path forward to resolve this dispute . . .” Cal Advocates and PG&E then engaged in further meet and confer efforts, exchanging proposals to resolve this discovery dispute. During that process, both parties made concessions on the positions outlined in their respective briefing on the Motion.

While Cal Advocates and PG&E were able to make significant progress and narrow their differences, the parties were not able to completely resolve all of the issues. PG&E’s most recent proposal to resolve this dispute is provided in Attachment A to this Motion.³ On January 31, 2022, Cal Advocates counsel indicated that Cal Advocates could not agree to Items 4 and 5 in PG&E’s proposal and thus the parties reached an impasse.

II. PG&E’S MOTION TO SUPPLEMENT THE RECORD SHOULD BE GRANTED

The Commission encourages meet and confer efforts to resolve discovery disputes. As Rule 11.3(a) provides:

A motion to compel or limit discovery is not eligible for resolution unless the parties to the dispute have previously met and conferred in a good faith effort to

² See *Motion of the Public Advocates Office for an order Compelling Data Request Responses and Imposing Sanctions on Pacific Gas and Electric Company; [Proposed] Ruling* submitted on November 30, 2021 (Motion), Exhibit A, p. 4.

³ PG&E provided a written proposal to Cal Advocates on January 27, 2022. Counsel for PG&E and Cal Advocates subsequently had a call on January 31, 2022 where PG&E agreed to further revisions to Item 2(a) in its Proposal. These further revisions are reflected in the proposal included in Attachment A.

informally resolve the dispute. The motion shall state facts showing a good faith attempt at an informal resolution of the discovery dispute presented by the motion, and shall attach a proposed ruling that clearly indicates the relief requested.

Moreover, as the ALJ Division indicated in the *Discovery: Customer and Practice Guidelines* issued on February 25, 2010, “[t]he goal of the meet & confer is for the parties to identify a mutually-acceptable resolution to the identified issue.”

Meet and confer efforts generally occur before a motion to compel is filed and typically end with the filing of the motion. In this case, however, as a result of the efforts of counsel for Energy Safety, meet and confer continued after the Motion was filed and PG&E and Cal Advocates were able to significantly narrow their differences.

At the outset, we want to express our appreciation to Cal Advocates for its willingness to engage in further meet and confer efforts to resolve this dispute. PG&E believes that these discussions were very useful for narrowing our differences and to working toward a path forward. Unfortunately, the parties were unable to fully resolve this dispute because of differences regarding Items 4 and 5 in PG&E’s proposal.

We believe that it is important for ALJ DeAngelis and the Commission to have a complete record on which to decide this matter. As it stands, the discussion of the meet and confer process in the record ends with the filing of the Motion in November 2021. If the record is not supplemented, this would leave the impression that the meet and confer efforts stopped there and ALJ DeAngelis and the Commission would not have before them the additional meet and confer efforts which occurred or PG&E’s latest proposal as to how to resolve the dispute between the parties.

In this Motion, we are requesting to supplement the record to: (1) provide a brief narrative history of the meet and confer process that occurred after the Motion was filed; and (2) submit into the record PG&E’s latest proposal to resolve this matter, which was a result of these discussions. We also would not oppose Cal Advocates submitting into the record supplemental information regarding the meet and confer process and any proposal it would make

to resolve this matter. This way, ALJ DeAngelis and the Commission will have a complete record upon which to make a decision in this matter.

For the foregoing reasons, PG&E respectfully requests that it be allowed to supplement the record in this proceeding to:

- (1) provide a brief narrative history of the meet and confer process that occurred after the Motion was filed; and
- (2) submit into the record PG&E's latest proposal to resolve this matter, which was a result of these discussions.

Respectfully Submitted,
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By: /s/ Charles Middlekauff
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Attachment A

PG&E Proposal for CalAdvocates-PGE-NonCase-AWM-09302021A:

1. Communications with Commissioners and Commissioner Staffs (Questions 2, 3 and 5): This issue has been resolved with PG&E's production of responses and thus no further response is required.
2. Communications with the Office of Energy Infrastructure Safety (Energy Safety) (Questions 1, 3, and 4):
 - a. Question 1: PG&E will provide a list of all meetings with and/or presentations to Energy Safety between July 1, 2021 and September 30, 2021 responsive to this question that do not exclusively focus on WMP compliance information. PG&E will also provide: (1) a list of compliance-related meetings with and/or presentations to Energy Safety and will indicate whether there were materials shared at those meetings or presentations (Questions 1 and 3); and (2) a list of all data requests and PG&E responses resulting from any compliance-related meetings and presentations (Question 4). PG&E will not provide the actual materials in response to Question 3 or provide any materials responsive to Question 4.
 - b. Question 3: PG&E will provide all materials, if any, shared with Energy Safety regarding the meetings or presentations identified in Question 1, including agenda, copies of presentations, and copies of documents presented. For documents that contain both WMP compliance and other information, PG&E shall provide the document after redacting the portions of the document that contain WMP compliance information.
 - c. Question 4: PG&E would provide all data requests and responses resulting from the meetings or presentations identified in Question 1.
3. Communications regarding the 2022 WMP are being addressed separately by Cal Advocates and PG&E in discussions regarding CalAdvocates-PGE-2022WMP-01A.
4. Cal Advocates will notify Judge DeAngelis that the parties have reached an agreement and ask that she hold the motion in abeyance until PG&E has completed its production and responses, at which time Cal Advocates will withdraw its motion.
5. PG&E will provide its response within 10 business days of the parties reaching an agreement.